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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,436	12/16/2004	Haruyasu Yawata	2553-USP-PCT-US	8531

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APPLIED MEDICAL RESOURCES CORPORATION
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EXAMINER

GETTMAN, CHRISTINA DANIELLE

ART UNIT	PAPER NUMBER
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3734

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,436

Applicant(s)

YAWATA ET AL.

Examiner

Christina D. Gettman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 15-23 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15-23 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/04/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Objections

The objection to claim 18 is removed in view of the amendment.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-9, 15-16, 18-23, and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Dicesare et al. (U.S. Patent No. 5,904,693). Dicesare et al. disclose a laparoscopic clip applicator having a disposable cartridge including an elongate tube (col. 2, lines 45-47 and 55-56), a pair of opposing jaw members extending outwardly from the distal end of the elongate tube (see e.g. figures 3 and 15), a one-way ratchet mechanism (col. 2, lines 42-45; Dicesare et al. disclose that the actuator is not released until a full cam-forward stroke is completed which is taken to mean that it moves completely in one direction before moving backward to its original position; Examiner also notes that one-way ratchet mechanism are well-known in the art), a reusable actuating mechanism (see e.g. col. 2, lines 8-9). The actuating mechanism comprises a main body and an actuating handle (see e.g. figures 1, 3, 15, and 20). The disposable cartridge further comprises a push member (see e.g. col. 4, lines 12-15) for advancing the clips into the jaw members, a biasing or retaining spring (see e.g. col. 2, line 30-35), a drive coupling connected to a sliding ratchet pawl for engaging with fixed

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mating teeth (ref. 138, Fig. 18; the mating teeth are fixed on one side to ref. 142; the claim does not recite what the fixed mating teeth are fixed in relation to) formed on an inner surface of the elongate tube (see e.g. figures 18-19), also having a central connection. The actuating mechanism can be said to further comprise a plurality of tips and an actuating handle, and the cartridge further comprises a jaw loader for advancing the clip into the jaw members and a drive bushing (see e.g. col. 2 line 60 – col. 3 line 13). The ratchet mechanism further includes a second ratchet mechanism that is a mirror image of the first ratchet mechanism that is capable of equalizing the bearing forces on each side of the drive coupling (see ref. 139 and ref. 142, Fig. 18; the two sides are duplicated of one another and are located on each side of the drive coupling; the claim does not recite that the two ratchet mechanisms needs to be directly across from one another, just that they are mirror images of one another).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dicesare, as applied to claims 1 and 15 above. Dicesare does not expressly disclose forming the ratchet mechanism from injection molded plastic. However, it is common to form surgical devices including ratchet mechanisms out of plastic because of its light weight.

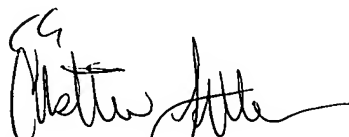
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina D. Gettman whose telephone number is 571-272-3128. The examiner can normally be reached on Monday-Friday 7:15 am to 3:45 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 3734
571-272-3128



MICHAEL J. HAYES
SUPERVISORY PATENT EXAMINER